

Testimony of Jonathan A. Harris
Executive & Legislative Nominations Committee
February 19, 2015

Sen. Duff, Rep. Janowski, Sen. Kane, Rep. Buck-Taylor and esteemed members of the Executive & Legislative Nominations Committee. It's an honor to appear before you today as Governor Malloy's nominee to serve the citizens of Connecticut as the Commissioner of Consumer Protection.

As a boy with a strong interest in Government, I observed the good work of Governor Ella T. Grasso's Commissioner, Mary Heslin. I saw how Commissioner Heslin and her staff, some of whom still work at the Department of Consumer Protection (DCP), made a difference in the lives of people in our state. Whether it was Commissioner Heslin or the hard work of Governor M. Jodi Rell's Commissioner, Jerry Farrell, Jr., or my immediate predecessor Commissioner William M. Rubenstein, I know DCP has consistently strived to protect our citizens. I want to continue this tradition and that's why I enthusiastically and respectfully request that you and your colleagues confirm me as Commissioner.

Having had the privilege of serving in the Legislative Office Building as counsel in the House for six sessions, and as a state Senator for three terms, I understand and thank you for your dedication and effort reviewing, analyzing and moving forward on my appointment. I know how busy you are. I'm ready, willing and able to assist you by answering any questions you may have about me, my experience and my record. But first, I'd like to briefly describe the knowledge, skills and experience I've developed that will help me work with you, the Governor and other stakeholders to achieve my vision for DCP.

It's often said that some people are in the right place at the right time. When it comes to me and this incredible opportunity to serve as Commissioner, I know it's true. I've banked nearly 25 years of experience as an attorney, some of which has involved areas of the law under the purview of DCP, including, home improvement contractors, condominium governance and the Connecticut Unfair Trade Practices Act (CUTPA). I was founder and principal of a real estate company regulated by DCP. I've interacted with DCP from the other side of the table which will help me as I deal from the inside with the issues confronting both consumers and businesses.

I've served as an elected and appointed official on the state and local levels, in addition to working in Washington as an Aide to Congresswoman Barbara B. Kennelly. I understand government - the good, the bad and the ugly - and I know the legislative process like the back of my hand. My six years on the Regulations Review Committee, including two years as co-chair provide me with insight into how regulations are promulgated, an understanding which, as I will later describe, will be crucial to implement my vision for DCP.

Serving as Deputy Treasurer for Connecticut in 2011-12, I gained valuable experience helping manage a state agency. This not only improved the management skills I acquired in the private sector, it's given me the understanding and perspective a Commissioner needs to deal with some of the unique aspects of our state bureaucracy.

All in all, over the past three decades, I've built a resume that allows me to work both at the 30,000 foot view of our government, as well as in the weeds with the details that can often determine success or failure on a daily basis. As both a public servant and businessperson, I experienced first-hand how government can and must play an important role in protecting citizens and

providing vital services. I also learned the limits of government - how the private sector must be the main driver of our economic engine and job creation.

As you know, DCP has wide-ranging responsibilities, including liquor control, occupational licensing, food, drug and product safety, charitable organizations, and fighting unfair and deceptive practices and unfair methods of competition. In the past four years, this broad jurisdictional swath has been expanded to include all forms of legal gaming as a result of the merger with the former Division of Special Revenue, and the administration of Connecticut's new Medical Marijuana Program.

Given this tremendous responsibility, a Commissioner must understand the role as leader of this predominately regulatory agency. The Commissioner is by and large, not a policymaker. That's your job. Any successful leader of DCP must focus on effectively and efficiently exercising the powers that the General Assembly and Governor have granted the Department.

The Commissioner must constantly balance the primary goal of protecting consumers against the potential burdens that may place on businesses. While I intend to be tenacious in protecting consumers, DCP must do so without unduly interfering with legitimate businesses and an efficient marketplace that allows companies to compete and prosper. My experience, both inside and outside government, has shown me that business does not fear strong consumer protection enforcement. They actually want clear, consistent rules of conduct and a comprehensible, fair enforcement policy. This balance, while not always easy to attain, will be my focus as I help DCP's top-notch staff continue to deliver for consumers without unnecessarily burdening business. To this end, I'd like to conduct a comprehensive review of DCP's regulations to determine if some can be refined, or even eliminated, to enable the agency to better protect consumers without unnecessarily impacting businesses.

Another potential route worthy of exploration is working with the trades and professions we regulate to have more eyes and ears on the street to identify those that are not in compliance with law and regulation. In effect, we are “deputizing” legitimate organizations and their membership to help DCP police the marketplace. By forming these public-private partnerships, we can weed out the bad actors. This helps each industry preserve their professional integrity and may provide a greater market share for those that follow the rules. While DCP must always be cautious about the way it interacts with those we regulate, I believe cooperation provides an opportunity to do more with less.

No matter how hard we work to build partnerships, we must first ensure that our house is in order. That’s why I intend to build on the success of Commissioner Rubenstein, who among many other accomplishments, made DCP more efficient in its delivery of services and its enforcement efforts. By stepping up on our LEAN processes and developing sound metrics to evaluate performance throughout the Department, we can further streamline DCP and make it more effective.

As you know, one of the primary jobs we undertake as public servants is educating citizens on the challenges we face and options for solutions. Most people don’t eat, breathe and sleep policy like we do – identifying problems and resolving them. That’s our job. If I had a nickel, or perhaps a quarter in current dollars, for each time I spent educating constituents, I would be materially wealthy. Instead, my riches are ones of accomplishment - of helping people understand and bringing them together to move the ball forward. While reasonable people can disagree with one another, a key to successful problem solving is having the discussion centered on the same plate of information. Educating ourselves, our colleagues and the public makes this possible.

This dynamic could not be more important than in the area of consumer protection. As they say, an ounce of prevention is worth a pound of cure. The better we enable people to protect themselves against the wolves of deception and fraud that are constantly circling, the more harm we'll prevent and the fewer resources we'll spend enforcing the law after the damage is done. Now don't get me wrong, when bad actors strike and injure, we will respond. But, we must take the stick out less and use it more effectively when we do. This will not only provide some redress to those who have been wronged, it will ensure that those who would prey on consumers, especially the most vulnerable among us like the elderly and our fellow citizens in traditionally underserved communities, understand that they will not get away with it.

To accomplish this, we've begun to increase DCP's communication, education and outreach efforts. Some of our goals are to dramatically increase our skill set and use of social media, our effective email reach and our ability to remove language and cultural barriers and better communicate with all members of our community. We're also considering ways to better deploy our enforcement tools to send a clear message to the scam artists who seek to exploit them.

The necessity of this two pronged approach – enforcement and education and enforcement – could not be made clearer than in the area of privacy protection and identity theft. As recent events keep confirming, the reality of life in 2015 is that government, businesses and individuals are under constant attack - hacking and other nefarious methods used to steal personal information. While cyber-defense is crucial, it will not always work. To strengthen our defenses, we also need to empower consumers to consistently take steps to lower their risk. DCP is well positioned to spearhead this effort. When breaches do occur, DCP has the statutory tools you have provided to wield that stick, working to recover losses for those hurt and sending a stern message of zero tolerance to offenders.

Finally, and perhaps most importantly, my years of experience as a public servant have continuously reinforced that anyone worth their salt, must listen and be responsive. When I look back, it's the small things - helping a constituent on what may appear to be a minor matter - that give me more pride and satisfaction than some of the larger, more public issues with which I've dealt. Accordingly, a top priority for me will be to ensure that DCP is responsive to you and your constituents. While I cannot guarantee that everyone will receive the outcome they desire, I can tell you they will be heard and we'll try our best to resolve their problems.

I want to let you know again how much I appreciate your time and attention. I pledge to work diligently to live up to the confidence that Governor Malloy has placed and that I ask you to place in me - to live up to the high standards of my predecessors.

With that, I'm happy to answer any questions you may have. Thank you for your time and consideration.